

**Richardson, Hetty L**

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**From:** Richard Whiting [rwhiting@auburnhousing.org]

**Sent:** Monday, October 16, 2006 4:13 PM

**To:** Richardson, Hetty L

**Subject:** Proposed Rule Number 98-P

Dear Hetty Richardson:

I write to express my concern over the proposed modification of shore land setbacks from 75' to 250' in a large number of designated bird habitat areas, many of which are in Maine's poorest region, Washington County. My wife and I recently purchased a 2.5 acre lot in the Bill's Point subdivision on Pinkham Bay in Steuben. On either side of our lot there are two homes about 75-80 feet from the shore. Because circumstances did not allow for us to build yet, we now may find ourselves unable to build in a manner commensurate with surrounding uses, a most unappealing alternative. Having spent years on Auburn Zoning Board of Appeals and more recently, on the Auburn Planning Board, I find it unimaginable that the City would attempt to override legally approved plans for development of previously approved subdivisions. We purchased our property with approved building footprint and septic system locations, in good faith that the plan incorporating these was properly approved by the Town of Steuben Planning Board and could legally be built upon the face of the earth as approved. I find it equally unimaginable that DEP could override what I consider to be deeded rights to the reasonable use of my property as defined only a couple of years ago by the standards in place at that time.

I do consider myself an environmentalist and am in general support of reasonable bird habitat protection, but feel strongly that, at a minimum, grandfathering of properties sold prior to the adoption of this new rule must occur in the interest of fairness. The state can achieve its objectives by continuing to encourage protection of land, through such programs as the Land for Maine's Future, expansion of bird sanctuaries, regulation of as yet undeveloped properties, encouragement of Planned Unit Developments, with setback waivers in exchange for meaningful open space to allow for bird habitat, etc.

Finally, the routine statement that the proposed rule will not have a fiscal impact on municipalities seems most inaccurate. Property owners throughout affected areas are turning in applications for property tax abatements left and right in response to this proposed rule and the fiscal impact on already stressed municipalities may be quite significant if the rule is allowed to stand as written.

Sincerely,

Richard S. Whiting  
24 Beaver Rd.  
Auburn, Maine 04210-8725  
(2 Bill's Point Way, Steuben)

10/17/2006

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